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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,483	08/22/2003	John William Vogler	71602	9445
7807	7590	01/05/2007		
SUSAN R. HALE EASTMAN CHEMICAL COMPANY, LEGAL DEPARTMENT P.O. BOX 511 KINGSPORT, TN 37662-5075			EXAMINER GOFF II, JOHN L	
			ART UNIT 1733	PAPER NUMBER
			MAIL DATE 01/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/646,483

Applicant(s)

VOGLER ET AL.

Examiner

John L. Goff

Art Unit

1733

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-5,8,9,11-15 and 17-21.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: See Continuation Sheet.

Art Unit: 1733

Continuation of 13. Other:

Applicants amendment to incorporate dependent claim 7 into independent claim 1 has been entered. Applicants amendment to claim 17 overcomes the claim objection of claims 17 and 18 made in the office action mailed 9/15/06.

The claims are now rejected as follows:

Claims 1-5, 8, 11-14, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobb (U.S. Patent 3,025,861) in view of McIntosh (U.S. Patent 1,631,750) and Pearman (U.S. Patent 3,426,764).

Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobb, McIntosh, and Pearman as applied to claims 1-5, 8, 11-14, and 17-21, and further in view of Cobb et al. (U.S. Patent 3,106,501).

Regarding applicants arguments:

Applicants argue, "There is no mention whatever in McIntosh that the paper of McIntosh, nor indeed any other paper, would be suitable as a plug wrap paper such as that disclosed in Cobb '861, nor of course, would any of the uses of McIntosh suggest that the paper of McIntosh may be suitably adapted for use as the plug wrap paper of Cobb '861. Nor would one expect that the plug wrap paper of Cobb '861, whether or not having a cellulose ester incorporated therein as in McIntosh, would be useful for any of the purposes suggested in McIntosh."

Cobb '861 teaches a paper including cellulose acetate wherein the cellulose acetate is applied as a coating to the paper. McIntosh teaches a method of forming paper including a resin such as cellulose acetate having a variety of uses (Page 2, lines 10-21) by incorporating the resin into the pulp fibers when forming the paper as opposed to coating the paper with the resin such

Art Unit: 1733

that the resin intimately and uniformly disperses throughout the fibers of the paper as well as on the surface of the paper to form a more moisture repellant and durable product with the further advantage of not having to have a step of coating the paper with the resin. Thus, forming the paper including cellulose acetate taught by Cobb using the method taught by McIntosh would have been obvious for the reasons given above it being noted the method taught by McIntosh is generally applicable to forming paper including cellulose acetate having any number of uses, i.e. the method taught by McIntosh is not limited to forming paper including cellulose acetate for any single product.

Applicants further argue, "Pearman is seen to relate to a paper cigarette filter, that is, to a cigarette filter in which the paper serves as the filtering material, the paper material of Pearman including cellulose acetate fibers. However, there is no other filtering material such as, for example, the cellulose acetate filaments of Cobb '861. Thus, Pearman suggests that the paper itself provides suitable filtration, and that other filtering material such as the cellulose acetate filaments of Cobb '861 is not required. There would therefore be no reason to combine Cobb '861 with Pearman.'".

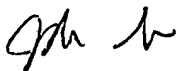
Cobb '861 as modified by McIntosh teach a paper including cellulose acetate comprising pulp fibers and cellulose acetate used in a cigarette filter. Cobb '861 as modified by McIntosh do not specifically disclose the pulp fibers are cellulose fibers. Paper is generally formed of cellulose fibers as exemplified by Pearman. Pearman discloses a paper including cellulose acetate used in a cigarette filter wherein the paper is made in the same manner as in Cobb '861 as modified by McIntosh, i.e. incorporating the cellulose acetate into the pulp fibers when forming the paper, wherein the pulp fibers of the paper are natural cellulose pulp. Thus, forming the

Art Unit: 1733

paper including cellulose acetate taught by Cobb '861 as modified by McIntosh using natural cellulose pulp as shown by Pearman would have been obvious for forming a known paper suitable for use in a cigarette filter, it being noted both Cobb '861 and Pearman form papers including cellulose acetate useful as paper in a cigarette filter.

Applicants further argue, "There is no reason to think that the paper of either reference might be suitably adapted for use according to the other, and indeed, the uses seem to conflict, since McIntosh suggests moisture resistance while Pearman suggests significant moisture content in the paper itself, so that the moisture in the filtered air simply passes through the filter."

McIntosh and Pearman do not conflict. Both references form analogous papers including cellulose acetate. Both references suggest that incorporating the cellulose acetate within the paper increase the moisture resistance of the paper, i.e. the papers absorb less moisture the degree of which is determined by the amount of cellulose acetate incorporated therein (Page 1, lines 20-34 of McIntosh and Column 2, lines 47-52 of Pearman).



John L. Goff